

Hall
10/743,477

REMARKS

The undersigned requests a personal interview with the Examiner in charge of this application.

Claims 1-16 were rejected as being unpatentable over Hardison in view of Gabai et al.

Hardison discloses method and apparatus for delivering subliminal messages. The apparatus consists of a timer unit and a recording/playback unit which are interconnected through a cable. The timer unit stores calendar and time information. The recording/playback unit stores the subliminal message which is inputted through a tape, a CD, or a memory stick. In this invention, the subliminal message is timed to be delivered during a predetermined "sleep state" (see col. 4, par. 0038). In the present invention, the subliminal message is inputted through a microphone, and is delivered at intervals, with a large number of repetitions at each predetermined interval. In addition, the apparatus is incorporated into a stuffed animal which presumably a subject could sleep with and receive the subliminal message during sleep.

Gabai, which has 54 columns of text material and 136 sheets of drawings, describes an interactive talking toy. Gabai was cited in part for the message playback system, the messages being recorded into the system memory.

In view of the excellent art cited by the Examiner, apparatus claim 1 and method claim 9 have been extensively amended to limit the scope of the claimed invention to the novel details of the present invention including the stuffed animal. This includes, in the case of claim 1, details of the control buttons and their function in setting time intervals and the repetition of the subliminal message at each time interval, and the control button extensions mounted on an outer surface of the stuffed animal, features not found in either of the cited references. In Gabai communication with the stuffed animal appears to be by

Hall
10/743,477

radio. The use of both a play and a start button appears also to be lacking in the art of record.

In the case of claim 9, substantially all of the structure of claim 1 is included in the method steps. The additional unique feature recited in claim 9 is the method of using a stuffed animal as a vehicle to impart subliminal messages. This feature does not appear to be suggested anywhere in the art of record. Another feature of the claim 9 is the recitation that the subliminal message is delivered repetitiously (ie, twenty times) at each predetermined interval of time. This also appears to be lacking in the art cited.

Claims 2, 4-8, and 11-13 have been canceled.

The remaining depending claims 3, 10 and 14-16 add further details including the conversion of analog input to digital, the LCD display, and the repetition rate at each interval. These claims should be allowed along with their parent claims.

In view of the foregoing, it is believed that the claims are now drawn to patentable subject matter and should be allowed.

A conscientious effort has been made to place this application in condition for immediate allowance. The Examiner is requested to call the undersigned or Mr. Kroll if further changes are required to obtain allowance of the application.

A favorable action is solicited.

Respectfully submitted,



LEONARD BELKIN

Reg. No. 18,063

Tel 301-254-8549

For

Michael I. Kroll

Reg. No. 26,755

171 Stillwell Lane

Syosset, New York 11791

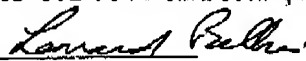
Hall
10/743,477

Tel 516-367-7777

Dated: Feb. 18, 2005

CERTIFICATE OF FAXING

I hereby certify that this correspondence is being facsimile transmitted to the U. S.
Patent and Trademark Office, telephone number 703-872-9306 on Feb. 18, 2005.


Leonard Belkin